

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

3200 SOUTH GRAND, LLC,)	
)	
Plaintiff,)	
)	Case No. 4:22-CV-698
v.)	
)	
GREAT LAKES INSURANCE, SE,)	
)	
Defendant.)	

**MOTION TO REMAND AND MEMORANDUM IN SUPPORT OF MOTION TO
REMAND**

COMES NOW Plaintiff 3200 South Grand LLC (hereinafter “Plaintiff” or “3200 South Grand”), and for its Motion to Remand 28 USC 2201

and Memorandum in Support of Motion to Remand, states as follows:

1. 3200 South Grand’s Motion to Remand is brought pursuant to 28 U.S.C. § 1447 (c).

1. Defendant Great Lakes Insurance SE (hereinafter “Defendant” or “Great Lakes”) removed this matter to the present court on or about July 1, 2022.

2. In its Notice of Removal, Defendant states that the removal is based solely on diversity of citizenship pursuant to 28 U.S.C. §§ 1332 and 1441 (a)-(b). Not. Of Removal at ¶1.

3. Defendant also argues that it is incorporated, has its principal place of business, and is domiciled in Germany. Not. Of Removal at ¶4.

4. Defendant further argues that Defendant is a citizen of Munich, Germany. Not. Of Removal at ¶A.

5. Defendant admits that Plaintiff is a citizen of the State of Missouri.
Not. Of Removal at ¶A.

6. 28 U.S.C. § 1332 (c)(1)(A, states:

(c) For the purposes of this section and section 1441 of this title—

(1) a corporation shall be deemed a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business, *except that in any direct action against the insurer of a policy or contract of liability insurance, whether incorporated or unincorporated, to which action the insured is not joined as a party-defendant, such insurer shall be deemed a citizen of —*

(A) *every State and foreign state of which the insured is a citizen;* (emphasis added)

7. Plaintiff is not a “party-defendant” to the present action.

8. Defendant admits that this matter arises out of an alleged breach of a contract of liability insurance. Not. Of Removal at ¶B.

9. As Plaintiff has directly sued Defendant for breach of contract, this is a direct action against Plaintiff’s insurer.

10. Based on the plain language of 28 U.S.C. § 1332 (c)(1)(A), Defendant is to be deemed a citizen of the State of Missouri, and thus diversity does not exist. *See, also, Hyland v. Liberty Mutual Fire Ins. Co.*, 885 F.3d 482 (7th Cir. 2018).

Respectfully submitted,

s/ J. Scott Kessinger

J. Scott Kessinger, Esq. #48221(MO)
7253 Watson Road #1044
St. Louis, MO 63119
(314) 325-0300
jscottkessinger@gmail.com

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was sent via the Court's electronic filing system this 15th day of July, 2022 to all parties of record.

s/ J. Scott Kessinger